

**CITY OF MOUNTAIN VIEW
FINDINGS REPORT/ZONING PERMIT**

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APPLICATION NO.:

PL-2022-153

DATE OF FINDINGS:

May 10, 2023

EXPIRATION OF ZONING PERMIT:

May 10, 2025

THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.

Applicant's Name:

Richard Rusczyk of AoPS Academy

Property Address:

Assessor's Parcel No.:

Zone:

405-407 San Antonio Road

148-22-021

P(40)

Request:

Request for a Provisional Use Permit to allow a specialized education and training use (a tutoring school) in a 5,523 square foot tenant space, and a Planned Community Permit and Development Review Permit for minor storefront modifications in a multi-tenant building on a 1.66-acre site; and a determination that the project is categorically exempt pursuant to Section 15301 ("Existing Facilities") of the CEQA Guidelines.

APPROVED

CONDITIONALLY
APPROVED

DISAPPROVED

OTHER

FINDINGS OF APPROVAL:

The Provisional Use Permit to allow a specialized education and training use (a tutoring school) in an existing 5,523 square foot tenant space is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.48.25:

- A. The proposed use is conditionally permitted within the San Antonio Precise Plan and complies with all of the applicable provisions of Chapter 36 (Zoning) of the City Code, including the requirements of the San Antonio Precise Plan of allowing educational uses that have regular customer foot traffic and transparent storefronts with a Provisional Use Permit;
- B. The proposed use is consistent with the Mixed-Use Center Land Use Designation of the General Plan because a broad range of commercial uses, including tutoring schools, are allowed under the Mixed-Use Center General Plan Land Use Designation, and the proposed project helps diversify the uses in the San Antonio Center and serves residents both in surrounding neighborhoods and from nearby areas;
- C. The location, size, design, and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity because the project is in the San Antonio Center North among a mix of office, retail, and restaurant uses. The project operates within an existing building and has a staggered class schedule to allow for distributed turnover of vehicle drop-offs and pick-ups for tutoring students to the project site;
- D. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the Precise Plan in which it is to be located because the project uses high-quality materials that complement the existing building facade design by matching the existing storefront patterns and form and using matching materials and color. Additionally, the business will use existing parking provided on-site; and

Owner

Agent

File

Fire

Public Works

- E. The approval of the Provisional Use Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 ("Existing Facilities") because the project only involves minor modification to an existing commercial building.

The Planned Community Permit to allow minor storefront modification to accommodate a new specialized education and training use is conditionally approved based upon the conditions contained herein and upon the following findings per Section 36.50.55:

- A. The proposed use or development is consistent with the provisions of the San Antonio Precise Plan, or, if no Precise Plan exists for the subject area, the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments; or if variations from requirements in the applicable Precise Plan are granted, the proposal clearly demonstrates superior site and building design and is in substantial compliance with the intent of the requirements in the applicable Precise Plan since the minor storefront modifications maintain the design pattern and form of the surrounding storefronts and help create an attractive street environment along the existing building facade per the guidelines of the San Antonio Precise Plan;
- B. The proposed use or development is consistent with the Mixed-Use Center Land Use Designation of the General Plan as a broad range of commercial uses, including tutoring schools, are allowed under the Mixed-Use Center General Plan Land Use Designation, and the proposed project helps diversify the uses in the San Antonio Center and serves residents both in surrounding neighborhoods and from nearby areas;
- C. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the proposed tutoring school is compatible with the surrounding office, retail, and restaurant uses, and the project only includes minor storefront modifications that will not alter the existing use or building design. The project will meet all current zoning regulations and applicable Building and Fire Codes;
- D. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because the project uses high-quality materials that complement the existing building facade design by matching the existing storefront patterns and form and using matching materials and colors; and
- E. The approval of the Planned Community Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 ("Existing Facilities") because the project only involves minor modification to an existing commercial building.

The Development Review Permit to allow minor storefront modification to accommodate a new specialized education and training use is conditionally approved based upon the conditions of approval contained herein and upon the following findings per Section 36.44.70:

- A. The project complies with the general design considerations as described by the purpose and intent of Chapter 36 (Zoning) of the City Code, the General Plan, and any City-adopted design guidelines since the project proposes minor modifications to a storefront within an existing multi-tenant commercial building, consistent with the original design patterns, forms, and materials of the building facade;
- B. The architectural design of structures, including colors, materials, and design elements (i.e., awnings, exterior lighting, screening of equipment, signs, etc.), is compatible with surrounding development because the proposed modifications to the storefront will maintain the existing storefront patterns and form and use matching materials and color, and a condition of approval is incorporated to ensure a substantial portion of the ground-floor windows are transparent and clear to meet the San Antonio Precise Plan guidelines;
- C. The location and configuration of structures, parking, landscaping, and access are appropriately integrated and compatible with surrounding development, including public streets and sidewalks and other public property, as the project is not proposing any modification to the existing configuration of structures, parking, landscaping, or access;
- D. The general landscape design ensures visual relief, complements structures, provides an attractive environment, and is consistent with any adopted landscape program for the general area by not proposing any modification to the existing landscape design;

- E. The design and layout of the proposed project will result in well-designed vehicular and pedestrian access, circulation, and parking by maintaining the existing vehicular and pedestrian access, circulation, and parking; and
- F. The approval of the Development Review Permit complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per Section 15301 ("Existing Facilities") because the project only involves minor modification to an existing commercial building.

This approval is granted to allow a new tutoring school located on Assessor's Parcel No. 148-22-021. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein, which are kept on file in the Planning Division of the Community Development Department:

- a. Project plans prepared by Hereld & Ayres Architects, date stamped March 9, 2023.
- c. Business Description Letter, prepared by AoPS Academy, date stamped March 28, 2023.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Planning Division—650-903-6306 or planning.division@mountainview.gov

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall apply to any business/owner entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use may require a new Permit. This Permit shall continue to be valid upon a change of ownership/operator of the site, business, service, use(s), or structure that was the subject of this approval provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use or structure(s) under the new ownership. Any new owner/operator must submit a wet (original) signed letter to the Planning Division noting agreement with the enclosed conditions which includes notation of this permit number and the new business/operator name. This letter may be requested by the City at any time.
2. PL-22 [AFTER PLANNING DIVISION HEADING]
EXPIRATION: This permit is valid for a period of two years from the date of approval. This permit shall become null and void if building permits have not been issued and construction activity has not commenced within the two-year period unless a permit extension has been submitted to and approved by the Zoning Administrator at a duly noticed public hearing prior to the expiration date. If the approved use does not commence within two years of this approval, subject to all applicable conditions and permits from applicable government agencies (inclusive of City permits), this approval shall be null and void.
3. **PERMIT EXTENSION:** Zoning permits may be extended for up to two years after an Administrative Zoning public hearing, in compliance with procedures described in Chapter 36 of the City Code. An application for extension must be filed with the Planning Division, including appropriate fees, prior to the original expiration date of the permit(s).
4. **ABANDONMENT OF USE:** The approved use shall be considered abandoned if the approved use in this tenant space (or building) ceases for a period of six months or more, at which point this Permit shall have expired and a new Permit shall be required. Determination of the abandonment of the use shall be based on the best available data, which may include business license, tax payment records, utility records, and other government agency permits or licenses.

PERMIT SUBMITTAL REQUIREMENTS

5. **TENANT IMPROVEMENTS:** Details of interior tenant improvements are to be shown on building permit drawings and shall be reviewed for consistency with the operational characteristics of the proposed use by the Zoning Administrator, or designee, prior to permit issuance.
6. **ZONING INFORMATION:** The following information must be listed on the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning district designation; (c) total floor area ratio and residential density in units per acre, if applicable; (d) lot area (in square feet and acreage); and (e) total number of parking spaces.

7. **COLOR CHIPS:** At submittal of building plan check, provide a set of color chips, and the color scheme shall be shown on the elevations.
8. **SIGNAGE:** No signs are approved as part of this application. Any new signage will require separate planning and/or building permits. Application form and submittal requirements are available online at www.mountainview.gov/planningforms.

OPERATIONS

9. **OPERATIONAL CRITERIA:** Based on the business description document dated March 28, 2023, the project will generate a maximum of 64 trips for students drop-off and pick-up every 15 minutes at the p.m. peak hour. In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, delivery truck issues, hours of operation, or noise, the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.
10. **DAYS/HOURS OF OPERATION:** The approved days and hours of operation are Monday to Friday from 8:00 a.m. to 9:30 p.m. and Saturday to Sunday 7:30 a.m. to 9:00 p.m. Any proposed change to the approved days and/or hours of operation will require review and approval by the Zoning Administrator and may require a modification to this permit.

SITE DEVELOPMENT AND BUILDING DESIGN

11. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
12. **GROUND-FLOOR TRANSPARENCY:** Storefronts and windows must maintain a minimum 75% transparency along the ground floor of the building(s) at all times. No window tinting/treatment, permanent/affixed furniture, or sunshades which permanently block the windows/storefronts are permitted. Sunshades which maximize transparency while providing UV light screening for building occupants may be permitted, subject to review and approval by the Zoning Administrator.
13. **DEMISING WALL DESIGN:** All demising walls shall end at existing walls or window mullions and shall not intersect with existing window panels.

GREEN BUILDING

14. **GREEN BUILDING—TENANT IMPROVEMENTS:** All nonresidential tenant improvements, including building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above, must meet the mandatory measures of the California Green Building Standards Code and Title 24, Part 6.

Building Division—650-903-6313 or building@mountainview.gov

Entitlement review by the Building Division is preliminary. Building and Fire plan check reviews are separate permit processes applied for once the zoning approval has been obtained and appeal period has concluded; a formal permit submittal to the Building Division is required. Plan check review shall determine the specific requirements and construction compliance in accordance with adopted local, State, and Federal codes for all building and/or fire permits. For more information on submittal requirements and timelines, contact the Building Division online at www.mountainview.gov/building. It is a violation of the MVCC for any building occupancy or construction to commence without the proper building and/or fire permits and issued Certificate of Occupancy.

15. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon building permit submittal. Current codes are the 2022 California Codes: Building, Residential, Fire, Electrical, Mechanical, Plumbing, CALGreen, CALEnergy (in conjunction with the City of Mountain View Amendments), and the Mountain View Green Building Code (MVGBC).

16. **ACCESSIBILITY REQUIREMENTS:**
 - **CHAPTER 11B:** Project will be required to comply with the accessibility requirements in the CBC, Chapter 11B.
 - **PARKING (CHAPTER 11B):** Project will be required to comply with the accessible parking requirements in the CBC, Chapter 11B.
17. **APPROVALS REQUIRED:** Project requires approval of the Santa Clara County Environmental Health Department (SCCHD) prior to building permit submittal to the Building Division. Visit SCCHD online at www.sccgov.org or by phone at 408-918-3400 to obtain information and requirements for approval.
18. **COMMERCIAL TENANT IMPROVEMENTS:** The tenant improvements for the commercial space(s) will be required to obtain a separate building permit(s).
19. **TYPE OF CONSTRUCTION:** Provide type of proposed construction per Chapter 6 of the CBC.
20. **ACCESSIBLE MEANS OF EGRESS:** Site must meet accessible means of egress per the CBC, Section 1009.
21. **USE AND OCCUPANCY CLASSIFICATION:** Provide proposed use(s) and occupancy(ies) for proposed project per the CBC, Chapter 3.
22. **OCCUPANCY SEPARATION:** Proper separation is required to be provided between occupancies per the CBC, Table 508.4.
23. **OCCUPANT LOAD/EXIT DISCHARGE:** Provide detailed occupant load and exit discharge plans for each occupied area per requirements of the CBC, Sections 1004 and 1028.
24. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Provide sufficient information at the time of building plan submittal of how pedestrians will be protected from construction activity per the CBC, Section 3306.
25. **ALLOWABLE AREA FACTOR:** Project shall comply with the requirements per the CBC, Chapter 5.
26. **FIRE-RESISTANCE RATING:** Project shall comply with the requirements per the CBC, Chapter 6 (Table 602), Fire-Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance.
27. **MEANS OF EGRESS:** Project is required to comply with the requirements per the CBC, Chapter 10, Means of Egress.
28. **MVGBC CALGREEN:** Project shall comply with the CALGreen checklist requirements by the City of Mountain View.
29. **PLUMBING FIXTURES:** Project shall comply with Table 422.1 of the California Plumbing Code (CPC), Section 4.
30. **BUILDING UTILITIES:** Utilities (gas, electrical, etc.) shall comply with PG&E Green Book requirements.
31. **FIRE ACCESS LANE(S):** Site must meet/maintain the existing fire access lane(s) at all times.
32. **STRUCTURAL CALCULATIONS:** Structural calculations may be required once the application for a building permit is submitted.
33. **SIGNS:** Proposed signs are to be a deferred submittal under a separate building permit application.
34. **WORK HOURS/CONSTRUCTION SITE SIGNAGE:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. The general contractor, applicant, developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours (see job card for specifics) and contact information, including an after-hours contact. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the MVCC and/or suspension of building permits.

Fire Department—650-903-6343 or fire@mountainview.gov

FIRE PROTECTION SYSTEMS AND EQUIPMENT

35. **FIRE SPRINKLER SYSTEM TENANT IMPROVEMENT:** The automatic fire sprinkler system shall be altered as necessary to accommodate interior improvements. Shop-quality drawings shall be submitted electronically for review and approval prior to installation. All new and/or existing water flow indicators and system control valves shall be monitored by a central station monitoring alarm company. All work shall conform to NFPA 13, NFPA 72, and Mountain View Fire Department specifications.
36. **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3, and California Fire Code, Section 906.)
37. **AUTOMATIC/MANUAL FIRE ALARM SYSTEM:** Provide an approved automatic/manual fire alarm system in accordance with California Fire Code and Mountain View Fire Department specifications. Shop-quality drawings shall be submitted electronically for review and approval. Prior to occupancy, the system shall be field-tested, approved, and in service. Provisions shall be made for monthly testing, maintenance, and service. (California Fire Code, Section 907, and Mountain View City Code, Section 14.10.36 and 14.10.37.)

FIRE DEPARTMENT ACCESS

38. **LOCKBOX:** Install an approved key lockbox per the Fire Protection Engineer's directions. (California Fire Code, Section 506.)
39. **KEYSWITCH:** Install an approved keyswitch per the Fire Protection Engineer's directions. Contact the Building Division at 650-903-6313 or building@mountainview.gov for instructions.

EGRESS AND FIRE SAFETY

40. **EXIT ILLUMINATION:** Exit paths shall be illuminated any time the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the electrical plan sheets in the drawing sets. (California Building Code, Section 1008.)
41. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1013.)
42. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code, Section 1010.2.9.)
43. **GROUP A OCCUPANCIES:** Buildings or portions of buildings used for assembly purposes shall conform to all requirements of Title 19 and the Uniform Building Code. This shall include, but not be limited to: (1) two exits; (2) fire-retardant drapes, hangings, Christmas trees, or other similar decorative material; and (3) posting of a maximum occupant load sign. (California Code of Regulations, Title 19, Sections 3.08, 3.21, and 3.30.)
44. **GROUP A, E, I, AND R1 OCCUPANCIES: DECORATIVE MATERIALS:** All drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, shall be made from a noncombustible or fire-resistive material or maintained in a flame-retardant condition by means of an approved flame-retardant solution or process approved by the California State Fire Marshal. (California Code of Regulations, Title 19, Sections 3.08 and 3.21.)
45. **INTERIOR WALL AND CEILING FINISHES:** Interior finishes shall have a flame-spread rating in accordance with the California Building Code, Chapter 8, and California Code of Regulations, Title 19, Section 3.21.
46. **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.9.)

47. **ON-SITE DRAWINGS:** Submit electronic (.pdf) drawing files according to Fire Department specifications prior to final Certificate of Occupancy.

HAZARDOUS CONDITIONS

48. **ELECTRICAL ENERGY STORAGE SYSTEMS:** Electrical Energy Storage Systems shall comply with the California Fire Code, Section 1207.

EXTERIOR IMPROVEMENTS

49. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height and a minimum of 0.5" in width. (Mountain View City Code, Section 14.10.18.)
50. **EMERGENCY RESPONDER RADIO COVERAGE:** All buildings shall have approved radio coverage for emergency responders within the building. (California Fire Code, Section 510.)

Public Works Department—650-903-6311 or public.works@mountainview.gov

FEES AND PARK LAND

51. **WATER AND SEWER CAPACITY CHARGES:** Prior to the issuance of any building permits, the applicant shall pay the water and sewer capacity fees for the development. The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. Separate capacity charges apply for different types of residential categories to reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, building area, and building use, respectively. Credit is given for the existing site use(s) and meter size(s), as applicable.
52. **BACKFLOW PREVENTER:** Aboveground reduced-pressure backflow preventers are required for all new and existing City potable water and recycled water services. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division. Backflow prevention assemblies shall be conveniently located as close to the meter as feasible outside of buildings and are not allowed within buildings' utility closets or basements. A minimum 3' clearance shall be provided around each assembly for accessibility and maintenance. Protective covers and/or enclosures must be preapproved by the Cross-Connection Control Specialist prior to installation.

SOLID WASTE AND RECYCLING

53. **RECOLOGY MOUNTAIN VIEW:** The applicant/contractor must be in compliance and shall include the following as a note on the building permit and improvement plans: "Recology Mountain View is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate City Code Sections 16.13 and 16.17 and result in code enforcement action."
54. **MOUNTAIN VIEW GREEN BUILDING CODE/CONSTRUCTION AND DEMOLITION ORDINANCE:** If this project is subject to the requirements of the Mountain View Green Building Code, a Construction and Demolition Waste Management Plan shall be submitted with the building permit application and approved by the Public Works Solid Waste and Recycling Division prior to the issuance of a building permit. A Final Construction and Demolition Waste Management Plan shall be submitted and approved prior to final inspection.
55. **TRASH ROOMS AND/OR ENCLOSURES:** Trash rooms and/or enclosures shall be used only for trash, recycling, and compost containers and shall not be used for storage at any time. Access door to the trash facility shall be clearly labeled "Trash Room."

OTHER PUBLIC WORKS NOTES

56. **SANTA CLARA VALLEY WATER DISTRICT WELLS:** Santa Clara Valley Water District (Valley Water) requires the following note to be labeled on the building and improvement plans: “While the Santa Clara Valley Water District (Valley Water) has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water’s records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit from Valley Water or registered with Valley Water and protected from damage.”
57. **STREET CLEANING:** The owner/developer shall comply with and include the following note on the off-site, or grading/drainage, or utility plans: “The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development’s construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director or designated representative.”
58. **OCCUPANCY RELEASE:** The owner/developer shall comply with and include the following note on the off-site or grading/drainage or utility plans: “For commercial and office developments, no buildings will be released for occupancy until the off-site improvements to be constructed to City Public Works standards and/or accepted for maintenance by the City are complete and ready for acceptance.”

NOTE: Decisions of the Zoning Administrator may be appealed to the City Council in compliance with Chapter 36 of the City Code. An appeal shall be filed in the City Clerk’s Office within 10 calendar days following the date of mailing of the findings. Appeals shall be accompanied by a filing fee. No building permits may be issued or occupancy authorized during this appeal period.

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

LINDSAY HAGAN, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

LH/HZ/1/FDG
PL-2022-153